

Chapter 22.04
LAND DIVISION

<u>Sections</u>	<u>Page</u>
Article I. General Provisions	1
22.04.010 Purpose and Intent	1
22.04.020 Applicability/Exemptions	1
22.04.030 Categorization of Land Divisions	3
22.04.040 Review for Conformity with Other Codes	3
22.04.050 Phased Development	3
22.04.060 Concurrency	3
22.04.065 Public Interest Determination Affecting Development of Land	3
22.04.090 Metes and Bounds Filings – Auditor to Question	4
22.04.100 New Segregations – Assessor to Notify Administrative Official	5
22.04.105 Utility Easement Extinguishment and Alteration	5
22.04.110 Modifications or Variances	6
22.04.120 Limitations on Short Subdivisions	6
22.04.130 Penalties and Enforcement	7
Article II. Historic Plats.....	7
22.04.140 Definitions	7
22.04.150 Purpose	8
22.04.160 Legal Lots of Record—Development Permitted	8
22.04.170 Innocent Purchaser for Value Exception	9
Article III. Preliminary Subdivisions and Short Subdivisions	10
22.04.200 Preliminary Subdivisions.....	10
22.04.210 Pre-Application Review Conference	10
22.04.220 Application Requirements	10
22.04.230 Preliminary Subdivision and Short Subdivision Map Requirements	12
22.04.240 Application Review	13
22.04.250 Preliminary Approval	13
22.04.260 Time Limitations	14
22.04.270 Revisions to Approved Preliminary Subdivisions	15
Article IV. Design and Development Standards.....	15
22.04.300 Purpose	15
22.04.310 General Standards.....	16
22.04.320 Subdivision Design Standards	16
22.04.330 Survey Standards	18
22.04.340 Drawing Standards	18
22.04.350 Monumentation.....	18
22.04.360 Road Standards	19
22.04.370 Grading and Drainage Standards	20
22.04.380 Health and Safety Standards.....	20
22.04.390 Dedications and Reserved Lands.....	20
Article V. Final Subdivisions and Short Subdivisions	21
22.04.400 Purpose	21
22.04.410 Final Subdivisions Requirements	21

1	22.04.420	Final Plat Map Requirements	22
2	Sections		Page
3	22.04.430	Review Process.....	24
4	22.04.440	Final Plat Approval.....	24
5	22.04.450	Completion of Required Public Improvements	25
6	22.04.460	Filing of the Final Plat	26
7	22.04.480	Alterations of Final Subdivisions	26
8	22.04.490	Vacations of a Final Subdivision.....	26
9			
10	Article VII. Binding Site Plans		26
11	22.04.500	Purpose	26
12	22.04.510	General Provisions.....	26
13	22.04.520	Pre-Application Review Conference	27
14	22.04.530	Application Requirements	27
15	22.04.540	Application Review	28
16	22.04.550	Approval Criteria	29
17	22.04.560	Recording and Binding Effect	30
18	22.04.570	Site Improvements Required Prior to Approval of Building Permit:	30
19	22.04.580	Alterations of Approved Binding Site Plans	31
20	22.04.590	Vacations of Recorded Binding Site Plans.....	31
21	22.04.600	Condominiums	31
22			
23	Article VIII. Not Used		32
24			
25	Article IX. Dedications and Reserved Lands		32
26	22.04.900	Conveyance to Private Corporation in Lieu of Dedication.....	32
27			
28			
29			
30			
31			
32			
33			
34			
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- (a) Purpose: In addition to those purposes set forth in RCW 58.17.010, the following purposes are also essential to the regulation of division of land within the unincorporated areas of Grant County:
 - (1) To promote the effective utilization of land;
 - (2) To make adequate provision for the housing, commercial, and industrial needs of the County;
 - (3) To prescribe procedures for the subdivision of land and to effectuate the land division standards pertaining to the creation of new lots in accordance with the adopted Grant County Comprehensive Plan;
 - (4) To promote orderly division and development of lots;
 - (5) To provide adequate fire access to residences;
 - (6) To promote establishment of roadways and easements to provide adequate and safe traffic circulation to serve developable lots and to meet future development and roadway needs;
 - (7) To ensure that sewage disposal systems are adequate to support future construction;
 - (8) To provide adequate drainage from roadways and easements; and
 - (9) To provide for the effective processing of land division applications without undue delay.
- (b) Intent: This Chapter governs the division and re-division of land into lots for the purpose of sale, lease or other transfer by utilizing one of the following processes: subdivision, short subdivision, binding site plan or an exemption under GCC § 22.04.020. This Chapter also governs the minor adjustment of boundary lines through the Boundary Line Adjustment process. The intent of this Chapter is to carry out the policies of the Comprehensive Plan and the laws of the State of Washington relating to land division.
- (c) General Provisions:
 - (1) Only a legal lot, as defined in GCC 25.02, may be divided;
 - (2) For the purpose of determining the gross acreage of a proposed land division, the acreage shall include that area which would be bounded by the center line of any existing public road or street which is adjacent to the land division, and the side lot lines of the lot running perpendicular to such center line; and
 - (3) For the purposes of determining whether proposed lots within a proposed land division meet the minimum lot size of the zone, the proposed lot acreage shall include:
 - (A) that area which would be bounded by the center line of any existing public road or street which is adjacent to the lot and the side lot lines of the lot running perpendicular to such center line; and
 - (B) that area which would be bounded by the center line of any proposed public or corporate road or street which is adjacent to the lot and internal to the land division, and the side lot lines of the lot running perpendicular to such center line.
- (d) Applications for divisions of land not determined to be exempt from the requirements of this Chapter shall be reviewed in accordance with the requirements of GCC § 25.04.
- (e) The Director of the Grant County Department of Community Development (Department) shall be the Administrative Official vested with the duty of administering the provisions of this Chapter.

(a) This Chapter shall apply to all divisions and re-divisions of land for the purposes of sale, lease or

1 other transfer unless the Administrative Official determines that a division of land exclusively
2 pertains to:

- 3 (1) Cemeteries and other burial plots while used for that purpose;
- 4 (2) Any division of land not containing a dedication in which the smallest lot created by the division
5 40 acres or greater, including fractional sections having a theoretical area of 40 acres or more,
6 such as the NE ¼ of the NE ¼; unless such divisions would be inconsistent with other provisions
7 of this Code;
- 8 (3) Divisions made by testamentary provisions, or the laws of descent; provided, that newly created
9 parcels are subject to all zoning and building code regulations in effect at the time of the
10 application;
- 11 (4) The actions of governmental agencies, such as acquiring land for the purpose of adding to
12 existing public road rights-of-way, creation of new public road rights-of-way, or other public
13 road construction purposes;
- 14 (5) A division of land pursuant to the requirements of RCW 58.17.035 and GCC § 22.04 Article VII
15 for the purpose of:
 - 16 (A) sale, lease or transfer of ownership of commercially or industrially zoned property;
 - 17 (B) lease or rent when no residential structure other than mobile homes, recreational vehicles or
18 travel trailers are permitted to be placed upon the land; or
 - 19 (C) creation of condominium units pursuant to RCW 58.17.035, RCW 58.17.040, RCW 64.32,
20 and RCW 64.34;
- 21 (6) Any division of land used solely for the installation of public roads or facilities, electric power,
22 telephone, water supply, sewer or other utility facilities of a similar nature; except, however, that
23 land leases for wireless communication facility sites, as defined in GCC § 23.08.450, are not
24 exempt from the requirements of this Chapter;
- 25 (7) Any division of land solely for the purpose of transfer to a public or legitimate non-profit
26 conservation organization for the purposes of conservation of a property in perpetuity with the
27 presence of species listed by the State as sensitive, threatened or endangered or by the County as
28 species of local concern for the purpose of preservation or conservation of the habitat for the
29 species of recognized biological value, or for the preservation of agricultural lands, or for other
30 open space resources designated in the Grant County Comprehensive Plan; and
- 31 (8) A Boundary Line Adjustment where the purpose of recording instruments of conveyance is
32 solely for the purpose of rectifying a boundary line error, to rectify defects in legal description,
33 to allow the enlargement or merging of lots to improve a building site, to achieve increased
34 setbacks from property lines or critical areas, to correct situations wherein an established use is
35 located across a lot line, or for other similar purposes; provided that the Administrative Official
36 determines that:
 - 37 (A) The proposed Boundary Line Adjustment does not:
 - 38 (i) Create any additional lot, tract, parcel, building site, or division;
 - 39 (ii) Result in any lot that contains insufficient area and dimension to meet minimum
40 requirements for width and area of a building site; and
 - 41 (B) The party seeking a boundary line adjustment submit a final record-of-survey document
42 prepared by a land surveyor in accordance with WAC Chapter 332-130 and RCW Chapter
43 58.09.
 - 44 (i) Record of Survey: A record of Survey with regards to a lot consolidation will not be
45 required if the following conditions are met:
 - 46 a. The lots have already been surveyed as part of an existing plat; and
 - 47 b. The property owner shall submit a sworn declaration that the corners have been
48 located and are visible in the field; and
 - 49 c. No outside boundaries have been changed; and
 - 50 d. The lot consolidation is for the purpose of removing an interior lot line.

- (b) Exemption Limitation: Notwithstanding any exemption listed in GCC § 22.04. 020, a lot which is created as a result of an exemption shall never contain a dwelling unit unless all requirements of GCC Titles 23 and 24 and health regulations are met.

22.04.030 Categorization of Land Divisions

- (a) The Administrative Official shall categorize every proposed division of land as a:
- (1) Subdivision;
 - (2) Short Subdivision; or
 - (3) Binding Site Plan.
- (b) For the purpose of this Chapter, the term “subdivision” shall be taken to mean Subdivision, Short Subdivision, or Binding Site Plan, unless otherwise stated in this Chapter as applying exclusively to one or more categorization of subdivision.

22.04.040 Review for Conformity with Other Codes

- (a) Decisions under this Chapter may be to grant or deny any application or to require of the applicant such conditions, modifications, and restrictions as are found necessary to make the application compatible with its environment and carry out the objectives and goals of this Chapter, RCW 58.17.110, the Comprehensive Plan, and other codes and ordinances of Grant County, including, but not limited to GCC Titles 14, 23, 24 and 25.

22.04.050 Phased Development

- (a) An applicant who chooses to develop a site in phases or divisions shall submit to the Department a phasing plan in conjunction with the specific land division application for concurrent review. Site improvements designed to relate to, benefit, or be used by the entire development (such as stormwater detention pond or tennis courts in a residential development) should be noted on the phasing plan. The phasing plan shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a phasing plan has been approved by the Decision Maker, the information contained therein shall be shown on, or the phasing plan shall be attached to and made a part of, the specific land division. Approval of a phasing plan shall not constitute approval of the land division.

22.04.060 Concurrency

- (a) Land division, including Subdivisions, Short Subdivisions, Binding Site Plans and Alternative Divisions of Land, are subject to the concurrency requirements of GCC § 25.20. Concurrency requirements will be identified at the time of preliminary subdivision application; compliance with any concurrency requirements is a condition of final subdivision approval.

22.04.065 Public Interest Determination Affecting Development of Land

- (a) This section shall apply only to parcels created by segregation by a document of conveyance of title filed with the Grant County Auditor prior to February 27, 1996 under the following guidelines:
- (1) Grant County will issue building and development permits for all parcels five (5) acres in size or greater in all zoning districts subject to the following conditions:
 - (A) The parcel owner must demonstrate water availability pursuant to RCW 19.27.097;

- (B) The parcel must comply with all Grant County Health District requirements including, but not limited to, minimum lot size requirements for sanitary septic systems;
- (C) All parcels shall require proof of legal access and evidence of the right to legal access to the applicable road from the appropriate road jurisdiction. Legal access roads shall also comply to the standards set forth in the UBC and UFC and GCC § 23.12.100 and 23.12.110; and
- (D) Compliance with all local, state and federal regulations, rulings, and requirements except the minimum lot size and density requirements set forth in GCC § 23.12.070(d) and GCC § 23.04.
- (2) Grant County will issue building and development permits for all parcels two and one-half (2½) acres in size or greater in the Rural Residential 2 (RR2) and Rural Residential 3 (RR3) zoning districts subject to the following conditions:
- (A) The parcel owner must demonstrate water availability pursuant to RCW 19.27.097;
- (B) The parcel must comply with all Grant County Health District requirements including, but not limited to, minimum lot size requirements for sanitary septic systems;
- (C) All parcels shall require proof of legal access and evidence of the right to legal access to the applicable road from the appropriate road jurisdiction. Legal access roads shall also comply to the standards set forth in the UBC and UFC and GCC § 23.12.100 and 23.12.110; and
- (D) Compliance with all local, state and federal regulations, rulings, and requirements except the minimum lot size and density requirements set forth in GCC § 23.12.070(d) and GCC § 23.04.
- (3) Building and/or development permits shall not be issued for any parcel of land located in Grant County that did not conform to the Grant County Zoning and/or Subdivision Ordinances in effect at the time of filing a deed partitioning the parcel and that does meet the criteria under sections (1) or (2), above. These parcels include land less than five (5) acres in size located in the Agricultural zoning district, or less than two and one-half (2½) acres in size in the Rural Residential 2 (RR2) and Rural Residential 3 (RR3) zoning districts and still owned by the individual(s) who partitioned or segregated the parcel.
- (4) Building and development permits may be issued by the Board of County Commissioners or designee on a limited case-by-case basis for any parcel in Grant County. The Board of County Commissioners or designee shall approve or deny building and development permits based upon review and comment by jurisdictional agencies and shall base the decision upon findings as to whether the public interest will be adversely affected by granting of the permit.
- (b) Grant County will issue building and development permits to the new purchaser for all parcels not meeting the requirements of GCC § 22.04.065(a), and which were purchased prior to February 10, 1998, without regard to parcel size or zoning district, provided that the new purchaser can demonstrate that he/she is an “innocent purchaser for value without actual notice” pursuant to GCC § 22.04.170. All such determinations are subject to the following conditions:
- (1) The parcel owner must demonstrate water availability pursuant to RCW 19.27.097;
- (2) The parcel must comply with all Grant County Health District requirements including, but not limited to, minimum lot size requirements for sanitary septic systems;
- (3) All parcels shall require proof of legal access and evidence of the right to legal access to the applicable road from the appropriate road jurisdiction. Legal access roads shall also comply to the standards set forth in the UBC and UFC and GCC § 23.12.100 and 23.12.110; and
- (4) Compliance with all local, state and federal regulations, rulings, and requirements except the minimum lot size and density requirements set forth in GCC § 23.12.070(d) and GCC § 23.04.

22.04.090 Metes and Bounds Filings – Auditor to Question

- (a) The County Auditor shall inquire of every person who tenders for recording a deed or contract for the

1 sale of land in which appears one or more metes and bounds legal description of land, as to whether
2 the land so described is a new division of a parcel of land or a boundary line adjustment. In the event
3 that it is a new division or boundary line adjustment, or if the inquiry is not answered, the Auditor
4 shall not accept the deed for recording. All requests for the creation and/or adjustment of parcel
5 boundaries exempt from this ordinance must be processed by completion of a Segregation
6 Application. This Segregation Application process enables the Administrator to determine if the
7 division or boundary line adjustment is an exempt division as described in GCC § 22.04.020. It also
8 allows the Administrator to determine if the proposed segregation or Boundary Line Adjustment
9 complies with all local, state, and federal laws, including, but not limited to, RCW 58.17 and the Grant
10 County Zoning Ordinance. Upon learning of any recording of a deed in which a new division of a
11 parcel or a boundary line adjustment is involved without the filing of a Segregation Application, the
12 Administrator shall investigate the same to determine whether a division of land is in violation of this
13 Ordinance or any other local, state, or federal law. If a violation of any law has indeed taken place,
14 the Administrator shall notify the Grant County Prosecuting Attorney's Office of the violation. The
15 creation of a parcel by means of a metes and bounds description does not guarantee that development
16 permits will be issued.

17 18 **22.04.100 New Segregations – Assessor to Notify Administrative Official**

- 19
20 (a) The Assessor shall promptly notify the Administrator of every new segregation of land made upon the
21 Assessor's records.
22

23 **22.04.105 Utility Easement Extinguishment and Alteration**

24 25 (a) Scope:

- 26 (1) Requests for utility easement extinguishment or alteration shall be limited to those established and
27 provided for through the dedication process of an approved land division.

- 28 (A) Extinguishments shall be limited to those dealing with dedicated easements along internal
29 property lines associated with an application for lot consolidation pursuant to the
30 provision of GCC § 22.04.020(a)(8).

- 31 (i) Easement extinguishments should be limited to those associated with the removal
32 of an internal property line; except, easement extinguishments may be considered
33 along an external property line provided it is determined by the Administrative
34 Official to be in the public's best interest.

- 35 (B) Alterations shall be limited to those dealing with dedicated easements along property
36 lines associated with an application for Boundary Line Adjustment pursuant to the
37 provision of GCC § 22.04.020(a)(8).

- 38 (i) Easement alterations will not be processed inconsistent with the alteration of the
39 property line; except, easement alterations may be considered which are
40 inconsistent with the location of the new property line provided it is determined
41 by the Administrative Official to be in the public's best interest.
42

43 (b) Project Type:

44 Pursuant to Chapter 25.04 Permit Application Review Procedures, utility easement
45 extinguishments/alterations shall be processed as a Type II Administrative Application.
46

47 (c) Application Requirements:

- 48 (1) Complete application and fees.
49 (2) A current title report; no more than 30 days old.
50

- (3) An 8 ½ x 11 site drawing showing the proposed easement to be extinguished and/or altered drawn on a copy of the filed land division and identifying the properties affected by the proposed extinguishment and/or alteration.
- (4) A sworn statement by the landowner certifying the following:
- (A) The “One Call Center” has completed a utility locate with the affected utility companies on the easement to be extinguished or altered; and,
 - (B) Provide the One Call Center “Ticket Number” of said locate; and,
 - (C) List of Utility Companies notified by the One Call Center; and,
 - (D) Report the utility companies findings regarding the existence or non-existence of utilities identified on/in the easement site as a result of the utility located.
- (5) A legal description of the existing easement.
- (6) Easement alterations shall also be required to provide a new legal description depicting its new location.
- (d) Application Review:
- In addition to the standard Type II Application Review Procedure, the Planning Department shall:
- (1) Mail written notice to the Utilities with a thirty (30) day comment period. At a minimum, said notice shall be provided to area utilities identified by the Utility Coordinating Council and/or One Call Center.
 - (2) Provide Public Notice pursuant to GCC § 25.04.220(a)(3).
- (e) Utility easement extinguishment/alteration shall only be approved by the decision maker if the following findings are made:
- (1) The easement extinguishment or alteration is found to not be detrimental to the public interest; and,
 - (2) No adverse comments were received by the utility providers; and,
 - (3) The easement is not found to be in use by any utility; and,
 - (4) The extinguishment or alternation is needed for purposes consistent with GCC § 22.04.020(a)(8).
- (f) Following the approval of the Administrative Official the Planning Department shall prepare an Extinguishment/Alteration document to be filed with the Grant County Auditor, record the same and notify property owners of filing.

22.04.110 Modifications or Variances

- (a) Any request for a variance from or modification to any of the requirements of this Chapter other than to density or land use changes shall be processed as a development code variance, pursuant to the variance requirements of GCC 25.08. Variances to density and land use would constitute a rezone and shall follow procedures for a rezone in GCC 25.12. Applications for variances shall be heard concurrent with the land division proposal. Applications for density or land use changes shall be heard prior to or concurrent with the land division proposal.

22.04.120 Limitations on Short Subdivisions

- (a) No lot that is part of a Short Subdivision shall be divided in any manner within a period of five (5) years from the date the Short Subdivision was granted, unless a subsequent Long Subdivision is approved. However, when a Short Subdivision contains fewer than nine (9) lots, the person who created the Short Subdivision may alter the Short Subdivision within the five (5) year period by creating up to a total of nine (9) lots within the original Short Subdivision boundaries, provided that

1 there is no violation of density or minimum lot size or dimension requirements contained in GCC §
2 23.04.

3
4 **22.04.130 Penalties and Enforcement**

- 5
6 (a) A person who violates the provisions of this Chapter or who fails to comply with any of its
7 requirements shall be subject to the procedures and sanctions set forth in GCC § 25.16.
8
9 (b) In addition to the civil penalty provisions provided in GCC § 25.16 Article III, any person who
10 violates any of the provisions of this Chapter is guilty of a misdemeanor, and each day or portion
11 thereof during which a violation is committed, continued, or not permitted shall constitute a separate
12 offense. The penalty for each violation shall be as delineated in GCC § 25.16.210(b). The principles
13 of liability contained in Chapter 9A.08 RCW, including, but not limited to, liability for conduct of
14 another shall apply to the enforcement of this Chapter, as shall all judicial interpretations thereof.
15
16 (c) Any disposition of a violation pursuant to this Chapter and GCC § 25.16 shall not absolve a person
17 from correcting or abating a violation and shall not prevent the prosecuting authority from pursuing
18 criminal prosecution, other civil action including, but not limited to, injunctive relief, license
19 revocation, and abatement, or all of the above.
20
21 (d) The prosecuting authority may accept a written assurance of discontinuance of any act or practice in
22 violation of this Chapter from any person who has committed or is committing such act or practice to
23 be filed with and approved by the Superior Court of Grant County. The assurance may include a
24 promise to file a proposed short plat for approval and to satisfy all reasonable conditions required to
25 effect its approval. Any willful failure to perform a promise contained in such an assurance shall
26 constitute a separate misdemeanor, punishable to the same extent as other misdemeanors defined by
27 this Chapter.
28
29 (e) A transferee who cannot secure a building permit, septic tank permit or other developmental permit
30 for the reason that his transferor failed to comply with any provision of this Chapter may recover
31 damages from his transferor, to include compensation for the loss of his bargain, actual costs of
32 investigation and suit reasonable attorney's fees and such additional elements as the law allows.
33
34 (f) The Grant County Auditor shall refuse to accept for recording, any final plat that does not bear the
35 Administrative Official's certificate of approval. Should a final plat be recorded without such a
36 certificate, the prosecuting authority shall apply for a writ of mandate on behalf of the Administrative
37 Official, directing the Auditor to remove the unapproved plat from the Auditor's records.
38

39 **Article II. Historic Plats**

40
41 **22.04.140 Definitions**

- 42
43 (a) A Historic Plat is a final plat that has been approved under platting laws predating the Washington
44 State Platting Law (RCW Chapter 58.17) adopted in 1969.
45
46 (b) A Legal Lot of Record is any separately described parcel or lot that: (1) was created by a subdivision,
47 short subdivision or boundary line adjustment approved by Grant County pursuant to GCC, (2) was
48 created in a segregation exempt from subdivision requirements, (3) was created pursuant to any
49 previous laws governing subdivision or segregation of land, (4) or was otherwise legally established;
50 and is recorded with the Grant County Auditor.

- 1
2 (c) A Partially Developed or Developed Historic Plat is a Historic Plat of which one-quarter (25%) to
3 half (50%) or more of all lots have been developed prior to the effective date of this UDC. An
4 Undeveloped Historic Plat is one of which less than one-quarter (25%) have been developed prior to
5 the effective date of this UDC.
6

7 **22.04.150 Purpose**
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9

- 10 (a) It is the intent that the goals and policies of the Grant County Comprehensive Plan require the
11 establishment of a mechanism to regulate development of the County's historic plats. The purpose of
12 this section is to ensure that the division and/or development of land complies with state laws and the
13 GCC affecting land use and to protect the health, safety and welfare of property owners and residents
14 of Grant County.
15

16 **22.04.160 Legal Lots of Record—Development Permitted**
17

- 18 (a) Development shall only be permitted on legal lots of record.
19 (b) To establish that a lot for which development permit approval is sought is a legally created lot, the
20 following standards shall apply:
21 (1) Approved Preliminary Plats or Approved Preliminary Short Plats:
22 (A) Where a final plat or final short plat has not been approved and filed with the Grant County
23 Auditor, an approved application for a preliminary plat or preliminary short plat shall
24 expire five (5) years from the date the County approved the application, unless an extension
25 is granted by the Board.
26 (B) Upon expiration of the preliminary plat or preliminary short plat, no development
27 application for the subject property shall be accepted by Grant County as "counter
28 complete."
29 (C) Before any development application for the subject property will be accepted by Grant
30 County as counter complete, the applicant must re-apply for and receive preliminary plat or
31 preliminary short plat approval pursuant to the requirements of this GCC § 22.04.
32 (2) Approved Final Plats or Approved Final Short Plats:
33 (A) If a final plat or final short plat has been approved by Grant County within five (5) years of
34 the date the development application is submitted, a development application for the
35 subject property may be accepted as counter complete, where the requirements for counter
36 complete status under GCC § 25.04.150 have been satisfied.
37 A development permit application for a final plat or final short plat approved by Grant
38 County within five (5) years of the date the application is submitted may be approved,
39 provided the development permit application complies with all applicable requirements of
40 the GCC at the time of a full and complete application for preliminary plat approval was
41 filed with Grant County.
42 (B) Where a development application for a final plat or final short plat approved by Grant
43 County after five (5) years of the date the application is submitted does not comply with all
44 applicable requirements of the GCC, an applicant may:
45 (i) Apply to consolidate the subject plat with contiguous plats owned by the applicant
46 pursuant to GCC § 23.04.105 to meet minimum lot size, density or Grant County
47 Health District requirements for on-site water and septic system installations; and/or
48 (ii) Apply for a reasonable use exception pursuant to GCC § 23.04.170.
49 In the event an applicant successfully consolidates the subject plat with contiguous plats
50 owned by the applicant pursuant to GCC § 23.04.105, a development permit application for

the resulting plat shall not be approved unless it complies with all applicable requirements of the GCC, including minimum lot size requirements specified by the Grant County Health District.

(3) Undeveloped Historic Plat:

(A) Grant County lacks authority to accept for recordation undeveloped final plats created prior to January 1, 1969.

(B) Before any development permit application for undeveloped final plats created prior to January 1, 1969, will be accepted by Grant County as counter complete, the applicant must first re-apply for and receive preliminary plat or preliminary short plat approval pursuant to GCC § 22.04. No development permit shall be issued, however, until Grant County has approved the applicant's final plat application.

(4) Partially Developed or Developed Land Created Prior to January 1, 1969:

(A) Grant County recognizes that for final plats or final short plats created prior to January 1, 1969, on which partial development has occurred, serious hardship may result to plat owners if such plats are required to comply with state and local platting and subdivision laws and ordinances.

(B) Grant County will not require an applicant to re-apply for and receive preliminary plat or preliminary short plat approval pursuant to GCC § 22.04 for land that has been developed or partially developed. However, Grant County will require an application to demonstrate compliance with the following:

(i) That the development conforms with the requirements of GCC Title 23;

(ii) That the development is in compliance with the Grant County Comprehensive Plan;

(iii) That the development conforms with the minimum requirements of, and has received approval from, the Grant County Health District and Washington State Department of Health for on-site sewage disposal and on-site wells;

(iv) That the development has legal access and conforms to current road standards, as determined by the County Engineer;

(v) That the development has made appropriate provisions for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds;

(vi) That the development is not located in a flood control zone unless prior written approval is received from the Washington State Department of Ecology; and

(vii) That the development is in conformance with all other applicable local, state, and federal regulations, including the Grant County Comprehensive Plan and the GCC.

22.04.170 Innocent Purchaser for Value Exception

(a) Innocent Purchaser for Value Exception:

(1) The prohibition on granting development permits for illegally platted land does not apply to an "innocent purchaser for value without actual notice."

(2) The applicability of the "innocent purchaser for value without actual notice" exception shall be reviewed by the Grant County Prosecuting Attorney on a case by case basis, based on the following factors:

(A) Whether the applicant purchased the lot, tract or parcel for valuable consideration;

(B) Whether the applicant knew when purchasing the lot, tract or parcel that it did not meet the minimum lot size or density requirements under GCC Title 23 or other applicable requirements;

(C) Whether the applicant had actual notice that the lot, tract or parcel had been part of a larger lot, tract or parcel divided illegally;

- 1 (D) Whether the applicant had constructive notice that the lot, tract or parcel had been part of a
2 larger lot, tract or parcel divided illegally, considering the following:
3 (i) Whether the seller of the lot, tract or parcel, or his or her representative, made any
4 representations to the applicant regarding prior divisions (if any) of the lot, tract or
5 parcel of which the applicant's lot, tract or parcel had been a part and/or whether a
6 building permit could be obtained;
7 (ii) Whether any public record of prior divisions of the lot, tract or parcel of which the
8 applicant's lot, tract or parcel had been a part exists;
9 (iii) Whether the applicant had knowledge regarding Grant County public pronouncements
10 that prior lot segregations or spin-offs may be "questionable" and that building or
11 other development permits may be denied for those lots, tracts or parcels; and
12 (E) Whether the applicant was, or should have been, aware of any other circumstances that
13 indicate the lot, tract or parcel of which the applicant's lot, tract or parcel had been a part
14 was illegally divided.
15
- 16 (b) Evidence of innocent purchase shall be in the form of a notarized affidavit filed with the Department
17 on forms satisfactory to the Administrative Official. The Grant County Assessor's Office shall
18 provide information concerning the ownership of the subject property, and the Administrative Official
19 shall make a determination if the property is eligible for the issuance of building or development
20 permits under RCW 58.17.210.
21
- 22 (c) Any innocent purchaser may, alternatively, rescind the sale or transfer of the subject property and
23 recover the costs of investigation, suit, and reasonable attorneys' fees occasioned thereby, from any
24 person, firm, corporation, or agent that sold or transferred the lot in violation of this Chapter, pursuant
25 to the provisions of RCW 58.17.210.
26

27 **Article III. Preliminary Subdivisions and Short Subdivisions**

28

29 **22.04.200 Preliminary Subdivisions**

30

- 31 (a) The purpose of this Section is to specify requirements for the segregation of land into Short
32 Subdivisions (9 or fewer lots) and Subdivisions (10 or more lots) in accordance with applicable state
33 and county laws, rules and regulations, including local project permit review procedures required by
34 GCC § 25.04.
35
- 36 (b) Any person desiring to divide land situated within an unincorporated area of Grant County shall
37 submit an application for Subdivision approval. If said subdivision is of land into four lots or less for
38 the purpose of lease or sale, a person shall submit an application for Short Subdivision approval.
39 Subdivision applications shall require preparation and submission of a completed SEPA checklist in
40 accordance with the requirements of GCC § 24.04. See GCC § 22.04.020 for exemptions. Short
41 Subdivisions are exempt from the requirements of GCC § 24.04, except upon lands covered by water
42 in accordance with WAC 197-11-800(6)(a).
43

44 **22.04.210 Pre-Application Review Conference**

45

- 46 (a) Prior to submitting a Subdivision or Short Subdivision application, the applicant shall be subject to a
47 pre-application review conference as specified in GCC § 25.04.130, unless waived by the
48 Administrative Official with the concurrence of the applicant.
49

50 **22.04.220 Application Requirements**

- 1
2 (a) Application materials for preliminary Subdivisions and Short Subdivisions shall include, at a
3 minimum, the following:
- 4 (1) Those documents and accompanying data specified in GCC § 25.04.140, including:
 - 5 (A) Completed application form signed by the owner(s) of the property;
 - 6 (B) A statement by the applicant that the property affected by the application is in the exclusive
7 ownership of the applicant or that the applicant has submitted the application with the
8 consent of all owners of the affected property;
 - 9 (C) Identification of a single contact person or entity to receive determinations and notices
10 required by this chapter;
 - 11 (D) A property and/or legal description of the site, including Tax ID numbers;
 - 12 (E) Evidence of availability of adequate water supply (either from a public system or Health
13 District approval of individual wells) as required by RCW § 19.27.097 and/or regulations
14 established by the Grant County Health District;
 - 15 (F) Evidence of sewer availability; or evidence of on-site sewage disposal approval by the
16 Grant County Health District, or jurisdictional agency including but not limited to the
17 Washington State Department of Health or Washington State Department of Ecology;
 - 18 (G) The applicable fee(s).
 - 19 (2) The Comprehensive Plan future land use designation(s) that apply to the site and abutting
20 properties;
 - 21 (3) The existing land uses on the site and abutting properties, and any proposed changes in land use
22 designations;
 - 23 (4) The area of the site, and the number, area, and dimensions of proposed lots, along with the
24 maximum density and minimum area and dimensions required by law. If an adjustment,
25 exception, or variance is needed, the applicant may, but is not required to, address the applicable
26 criteria;
 - 27 (5) A map showing all recorded land divisions abutting the site and between the site and nearest
28 public street that provides vehicular access to the site, and the name or other identification of
29 those land divisions and associated public and private streets;
 - 30 (6) Proposed articles of incorporation, if any;
 - 31 (7) Proposed wording of restrictions, if any, proposed to be imposed upon the use of the land,
32 including the designation of any lot that never can contain a dwelling unit or that is otherwise
33 undevelopable;
 - 34 (8) Calculations that show the gross acreage of the proposed land division and the number of
35 allowable dwelling units;
 - 36 (9) A completed environmental checklist or other SEPA documents, if required by GCC § 24.04
37 and/or WAC 197-11;
 - 38 (10) A critical areas assessment, if required by GCC § 24.08;
 - 39 (11) A description of significant historic, cultural or archaeological resources present at the site, if
40 required by GCC § 24.08;
 - 41 (12) Proof that the application has also been submitted to the relevant city if the proposed land
42 division is within an urban growth area;
 - 43 (13) Information that shows on which street a lot has access, if the lot abuts more than one street, and
44 any proposed access restrictions;
 - 45 (14) A preliminary plan for meeting the requirements of the Shoreline Master Program, if applicable;
 - 46 (15) A plan for providing pedestrian facilities that assure safe walking conditions for students
47 walking to and from school, if located within one-quarter (¼) mile of an existing public school;
 - 48 (16) Written approval from the Washington State Department of Ecology of any subdivision situated in
49 a flood control zone as provided in Chapter 86.16 RCW;
 - 50 (17) A list of any other permit applications having been filed for the same site;

- (18) Twelve (12) copies of full-size (not larger than 24" by 36") and one (1) copy of reduced size (8½" by 11") preliminary subdivision map meeting the requirements of GCC § 22.04.230;
- (19) Any other documentation determined by the Administrative Official to be reasonably necessary to serve as a basis for the review for compliance with the requirements of this Chapter.

(b) Additional Application Requirements for Preliminary Subdivisions:

- (1) Proposed phasing, if any, of development;
- (2) A traffic study, if required by the Administrative Official, SEPA Official, or County Engineer;
- (3) A drainage report, if required by the County Engineer, which meets the requirements of GCC § 23.12.080;
- (4) Any provisions for open space, parks and recreational opportunities;
- (5) Any provisions for playgrounds, schools and school grounds;
- (6) Information required under GCC § 25.20.050 and any information required by any non-County capital facility providers, and sufficient to enable the County and other service providers to determine the concurrency requirements of the development;

(c) The Administrative Official may waive specific submittal requirements determined to be unnecessary for review of the application.

22.04.230 Preliminary Subdivision and Short Subdivision Map Requirements

(a) A registered land surveyor shall prepare preliminary Subdivision and Short Subdivision maps. Drafting standards, including drawing scale and final plat media, shall be as specified in GCC § 22.04.340. Survey standards shall be as delineated in GCC § 22.04.330. Maps shall consist of one or more pages, legibly drawn.

(b) The following information is required on all preliminary subdivision maps:

- (1) The name of the proposed subdivision, which must be other than the name of an existing subdivision, addition or plat; the applicant shall inquire with the Auditor's Office as to the acceptability of the name of the final plat;
- (2) The full legal description of land contained within the subdivision;
- (3) The name(s), telephone number(s) and address(es) of the owner(s) of record;
- (4) The name, telephone number, address and seal of the registered land surveyor who made, or under whose supervision was made, a survey of the proposed subdivision;
- (5) The complete date of the survey;
- (6) Scale, including graphic scale and north arrow;
- (7) The boundary lines of the proposed subdivision;
- (8) All existing monuments and markers;
- (9) The boundaries and approximate dimensions of all blocks and lots within the proposed subdivision, together with the numbers proposed to be assigned each lot and block, and the dimensions, square footage and acreage of all proposed lots and tracts;
- (10) The location, width, and nature of existing and proposed:
 - (A) Public and private roads and access thereto;
 - (B) Special setbacks;
 - (C) Private and public easements;
 - (D) Utility easements;
 - (E) Rights-of-way; and
 - (F) Walkways;
- (11) The location and, where ascertainable, sizes of all permanent buildings, wells, well head protection areas, sewage disposal systems, water courses, bodies of water, culverts, bridges, structures, overhead and underground utilities, railroad lines, municipal boundaries, section

- lines, township lines, and other important features existing upon, over or under the land proposed to be subdivided, and identifying any which are to be retained or removed;
- (12) If a body of water forms the boundary of a subdivision, the ordinary high water mark shall be located by survey and dimensions on the plat;
- (13) Existing topography at contour intervals appropriate to the slope of the site and other significant natural features (5-foot minimum interval), referenced to either the United States Coast and Geodetic Survey datum, United States Bureau of Reclamation (USBR) datum, county datum, or other datum acceptable to the County Engineer;
- (14) A layout of proposed roads, alleys, utility mains, and parcels proposed to be dedicated or reserved for public use;
- (15) A layout of proposed water distribution system, sewage disposal system, wells, sanitary control areas, irrigation and drainage systems (as required) indicating locations;
- (16) A sketch of the general vicinity at least 800 feet in all directions from which the land proposed for subdivision lies, upon which are identified owners of the land adjacent to the subdivision and the names of any adjacent subdivisions;
- (17) Location of any critical areas and associated buffer areas as required by GCC § 24.08;
- (18) Section subdivision showing the boundary of the plat in relation to the section. This information may be done as an insert drawn to a convenient scale or included within the boundary of the parcel as approved by the Administrative Official;
- (19) Proposed phasing of development, if any is proposed; and
- (20) Engineering report regarding hazardous topographical conditions, if any, as delineated in GCC § 22.04.320(b).

- (c) The Administrative Official may waive specific submittal requirements determined to be unnecessary for review of the application.

22.04.240 Application Review

- (a) Authority: Subdivisions and Short Subdivisions shall be reviewed pursuant to the authority provided in RCW 58.17.
- (b) Classification of Application: Applications for preliminary Subdivisions and Short Subdivisions shall be classified as specified in GCC § 25.04.080 and defined in GCC § 25.04.070.
- (c) Review Procedures: When the Administrative Official determines that an application for a Subdivision or Short Subdivision is technically complete, as defined in GCC § 25.04.160, the application shall be processed under procedures specified in GCC § 25.04 Article VII.
- (d) Referral and Review of Application: Pursuant to GCC § 25.04.200, the Administrative Official shall transmit a copy of the application, or appropriate parts of the application, to affected agencies and county departments for review and comment.
- (e) Notice of Application and Hearings: Notice of application and hearings shall be made pursuant to GCC § 25.04 Article VI and VIII, respectively.

22.04.250 Preliminary Approval

- (a) Approval Criteria: Pursuant to GCC § 25.04.200, the Administrative Official shall solicit input from and confer with relevant local officials regarding whether the proposed Subdivision or Short Subdivision:

- (1) Meets the applicable requirements of this Chapter;
 - (2) Serves the public use and interest;
 - (3) Complies with the Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA;
 - (4) Complies with health requirements for sewage disposal and potable water supply;
 - (5) Contains an accurate legal description of the lots being created, and the roads and easements therein;
 - (6) Complies with Grant County and, where applicable, State Department of Transportation regulations pertaining to roads, utilities, drainage, access for emergency vehicles, and other infrastructure improvements;
 - (7) Complies with relevant city regulations pertaining to roads, utilities, drainage, access for emergency vehicles, and other infrastructure improvements for subdivisions within an urban growth area when the city has a signed interlocal agreement with the County which addresses coordination of development standards, except as otherwise specifically provided in GCC § 23.12; and
 - (8) Complies with requirements of the U.S. Department of the Interior, Department of Reclamation and/or a recognized Irrigation District when the proposed preliminary subdivision is within the boundaries of an Irrigation District.
 - (9) Has written findings for adequate (A) Streets or roads, sidewalks, alleys, other public ways, transit stops, and other features that assure safe walking conditions for students (B) Potable water supplies RCW 19.27.097, sanitary wastes, and drainage ways (stormwater retention and detention) (C) Open spaces, parks and recreations, and playgrounds (D) Schools and school grounds (E) Landscaping, street trees, and lighting—if required.
- (b) The Decision Maker, as delineated in GCC § 25.04, shall approve a preliminary Subdivision or Short Subdivision if the record contains clear and convincing evidence that the application complies with the approval criteria listed in GCC § 22.04.250(a) (or that the application can comply with these criteria through the imposition of special conditions of approval) and serves the public use and interest. If necessary, the Administrative Official may impose special conditions of approval to ensure that the criteria listed in GCC § 22.04.250(a) are met.
- (c) If a phasing plan is proposed, the Decision Maker shall not approve the preliminary Subdivision unless the requirements of GCC § 22.04.250(b) are met and the record contains clear and convincing evidence that:
- (1) The phasing plan includes all land within the preliminary subdivision;
 - (2) Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with the requirements established for the entire subdivision; and
 - (3) All road improvement requirements are ensured pursuant to GCC § 22.04.450.

22.04.260 Time Limitations

- (a) All preliminary subdivisions must be finalized in accordance with the requirements of GCC § 22.04 Article V.
- (b) Short Subdivisions: A preliminary Short Subdivision that has been approved must be recorded within one (1) year from the date of the resolution approving the preliminary Short Subdivision. If any condition is not satisfied and the final subdivision is not recorded within the one (1) year period, the preliminary approval of the Short Subdivision shall be null and void. If an applicant submits a written

request within this period that contains good reason(s) for extending the time period, the Administrative Official may grant the applicant a six (6) month extension to meet the conditions of approval and prepare and record the final Short Subdivision. All requests for an extension to the time period must be filed with the Administrative Official at least thirty (30) days prior to the expiration date of the preliminary approval.

- (c) Subdivisions: A preliminary Subdivision that has been approved must be recorded within five (5) years from the date of the resolution approving the preliminary Subdivision. If any condition is not satisfied and the final subdivision is not recorded within the five (5) year period, the preliminary approval of the Subdivision shall be null and void. If an applicant submits a written request within this period that contains good reason(s) for extending the time period, the Administrative Official may grant the applicant a one (1) year extension to meet the conditions of approval and prepare and record the final Subdivision. All requests for an extension to the time period must be filed with the Administrative Official at least thirty (30) days prior to the expiration date of the preliminary approval.
- (d) If the final subdivision is being developed in phases, and final plats for all of the phases have not been recorded within the time limits provided in this Section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any unrecorded phase must again be submitted to the Department with a new application, subject to the fees and regulations applicable at the time of the new submittal.

22.04.270 Revisions to Approved Preliminary Subdivisions

- (a) Applications to revise subdivisions that have received preliminary approval, but not final approval, shall comply with the following:
- (1) Revisions that result in any substantial changes as determined by the Administrative Official, shall be treated as a new application for purposes of vesting and shall be reviewed under the same process required for the preliminary subdivision, pursuant to GCC § 25.04. For the purpose of this Section, substantial change includes:
- (A) The creation of additional lots;
- (B) Significant change in the proposal, including change in access points or alteration of conditions of approval and/or removal of notes on the face of the Plat, that leads to significant built or natural environmental impacts that were not addressed in the original approval; or
- (2) Approval of the following modifications by the Department shall not be considered substantial revisions:
- (A) Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary subdivision approval;
- (B) Changes in lot dimensions that are consistent with GCC § 23.12;
- (C) A decrease in the number of lots to be created; and
- (D) Changes in phasing plans that do not significantly impact the plat and are acceptable to the County Engineer and non-county service providers.

Article IV. Design and Development Standards

22.04.300 Purpose

- 1
2 (a) The standards contained in this GCC § 22.04 Article IV and those of GCC § 23.12 shall apply to all
3 land division, including Subdivisions, Short Subdivisions Binding Site Plans and Alternative Land
4 Divisions.
5

6 **22.04.310 General Standards**
7

- 8 (a) Proposed subdivision shall conform to the Grant County Comprehensive Plan.
9
10 (b) Construction of improvements shall, at a minimum, conform to the following:
11 (1) Roads, bridges, drains, culverts and related structures and facilities shall be constructed in
12 accordance with GCC § 22.04.360 and GCC § 23.12.100 and the adopted County Road
13 Standards;
14 (2) Water supply facilities adequate to provide potable water from a public or community water
15 supply source to each lot in a subdivision shall be constructed in conformity to standards of the
16 jurisdictional governmental authority, unless the Grant County Health Officer approves the use
17 of individual, onsite water supply wells;
18 (3) Each lot shall be provided with a sanitary sewer system connection approved by the
19 jurisdictional governmental authority, unless the Grant County Health Officer approves the use
20 of individual, onsite septic systems and drainfields;
21 (4) Monuments shall be placed as required by relevant regulations;
22 (5) Service mains and fire hydrants shall be installed in conformance with relevant regulations.
23
24 (c) All construction and site development activities related to land division are prohibited until (1) the
25 preliminary subdivision is approved, and (2) engineering plans are approved which are based on the
26 approved preliminary subdivision, and (3) a grading and excavation permit is issued by the
27 Department of Community Development.
28

29 **22.04.320 Subdivision Design Standards**
30

- 31 (a) Access to Shorelines. Subdivisions adjacent to water that is subject to the jurisdiction of the GCC §
32 24.14 Shoreline Master Program shall provide dedication of access to such bodies of water as
33 required by GCC § 24.14. Dedications to the lot owners for access shall be to the ordinary high water
34 mark.
35
36 (b) Natural Features and Topography. To the greatest extent practicable, subdivisions shall be designed to
37 conform to the natural features of the land.
38
39 (c) Land on which exist any topographical conditions hazardous to the safety or general welfare of
40 persons or property in or near a proposed subdivision shall not be subdivided unless the construction
41 of protective improvements will eliminate the hazards or unless land subject to the hazard is reserved
42 for uses as will not expose persons or property to the hazard. Protective improvements shall be
43 constructed prior to final plat approval. Protective improvements and restrictions on use shall be
44 clearly noted on the final plat. When determined necessary by the County Engineer, the subdivider
45 shall prepare and submit for review as part of the preliminary subdivision application an engineering
46 report, prepared and sealed by a registered professional engineer, delineating the hazards, assessing
47 risk, and describing and designing proposed protective improvements.
48
49 (d) Usable Construction Area. Proposed lots shall provide a usable area for the construction of a dwelling
50 unit, approved sewage system, and approved water supply system.

- 1
2 (e) Division of Lots by Roads. Individual lots shall not be divided by roads or road rights-of-way. Where
3 a pre-existing road divides a lot where there is no alternative to such a division, the Administrative
4 Official may grant a discretionary exception.
5
- 6 (f) Agricultural Lands Standards. On all lands in the Agricultural zoning district, the maximum area of
7 development that is not related to agricultural uses and activities shall be limited to twenty (20)
8 percent of the parcel area, but not less than one (1) acre, regardless of the assigned density.
9
- 10 (g) Buffers and Setbacks. Subdivisions shall meet the setback requirements and other density, dimension,
11 landscaping, screening and open space requirements of GCC § 23.08 and § 23.12.
12
- 13 (h) Blocks and Lots. Blocks and lots shall conform to the most advantageous development of adjoining
14 areas, and the entire neighborhood, and shall provide for the following:
15 (1) The width of blocks shall normally provide for two (2) tiers of lots, each of which shall have a
16 minimum depth of one hundred (100) feet;
17 (2) The length of blocks shall not exceed one thousand three hundred twenty (1,320) feet;
18 (3) Whenever the topography and general characteristics of the area to be platted require blocks of
19 more than one thousand three hundred twenty (1,320) feet, such reason shall be listed and
20 supported by the design of the plat, subdivision or dedication;
21 (4) The size, shape and orientation of lots shall be appropriate for the location of the proposed
22 subdivision and for the type of development contemplated. Every residential lot shall have an
23 adequate building site;
24 (5) Lots located in rural lands shall have a minimum width of one hundred (100) feet wherever a
25 building site is contemplated. Lots located in urban growth areas shall have a minimum width of
26 fifty (50) feet wherever a building site is contemplated, unless a greater minimum width is
27 required by the jurisdictional municipality within the urban growth area. Every lot shall have
28 access to a street. Minimum width of the access shall be forty (40) feet;
29 (6) Lots for residential dwellings shall be at least fifty (50) feet wide at the building line. Lots for
30 residential dwellings abutting bodies of water shall be at least fifty (50) feet wide at the building
31 line and at least forty (40) feet wide at the ordinary high water line, unless otherwise specified in
32 GCC § 24.12 – Shoreline Master Program;
33 (7) Minimum road frontage of each lot shall be a minimum of fifty (50) feet except when located on
34 a cul-de-sac, then 40 feet will be allowed. Individual lots may be accessed by a 20-foot
35 right-of-way. Panhandled lots will only be allowed if there is no other feasible access, as
36 determined by the Administrative Official in a pre-application meeting and documentation is
37 submitted with the development application. Newly constructed contiguous or adjoining
38 easements for access purposes are not permitted;
39 (8) Lots, except corner lots, having frontage on two streets should be avoided, except on lots
40 backing up to major and secondary arterials, where access thereto is prohibited;
41 (9) Side lot lines shall be at right angles to the right-of-way line of the street on which the lot faces,
42 wherever feasible;
43 (10) Corner lots for residential use shall be platted wider than interior lots to provide the front yard
44 requirements on the side street, as prescribed by GCC § 23.08 and § 23.12;
45 (11) In any block exceeding six hundred sixty (660) feet in length, walks or pedestrianways at a
46 midblock point shall be required, when determined to be essential by the Decision Maker;
47 (12) In any block exceeding six hundred sixty (660) feet in length, circulation for utilities, the right-
48 of-way of which shall be at least ten (10) feet in width, shall be provided; and
49 (13) Blocks and lots shall comply with any applicable requirements of GCC § 24.12.
50

1 **22.04.330 Survey Standards**

- 2
- 3 (a) All surveys shall comply with standards set forth by state statutes, drafting standards of this title, and
- 4 WAC 332-130, except that linear closures after azimuth adjustment shall be at least a ration of one to
- 5 ten thousand (1:10,000) for WAC 332-130(1)(c)(d)(e). Where conflicts are identified, the most
- 6 restrictive standard shall apply. Where required, any elevations or vertical data shall have an accuracy
- 7 of third-order specifications as published by the U.S. Department of Commerce in a bulletin entitled,
- 8 Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys.
- 9 Benchmarks with the datum used shall be shown on the plat.

10

11 **22.04.340 Drawing Standards**

- 12
- 13 (a) The preferred scale proportion ratios for final plats are: (1) one to twelve hundred (1:1,200) (1" = 100
- 14 feet), and one to two thousand four hundred (1:2,400) (1" = 200 feet). In no case shall the proportion
- 15 exceed one to two thousand four hundred (1:2,400).
- 16
- 17 (b) The final plat shall either (a) be drawn with permanent ink upon 3-mil mylar film, or equivalent, and
- 18 suitable for archiving, as determined by the Administrative Official, or (b) consist of a photo mylar
- 19 with a fixed silver halide base; said sheets shall be twenty-four (24) inches by eighteen (18) inches.
- 20
- 21 (c) A margin or border line shall be drawn completely around each sheet, leaving an entirely blank margin
- 22 of two (2) inches on the left side and one-half (½) inch margin along the remaining sides.
- 23
- 24 (d) Lettering shall be at least eight one-hundredths (0.08) inch high, in uppercase letters with line weight
- 25 and lettering style legible and suitable for reproduction and microfilming. The perimeter of the final
- 26 plat shall be depicted with heavier lines than the remaining portion of the plat.
- 27 (e) Signatures affixed to a final plat shall be original signatures written in permanent black ink.
- 28
- 29 (f) Data necessary for the location in the field of all points within the plat shall be shown. Straight lines
- 30 shall be designated with bearing and distance; curves shall be designated by arc length, central angle
- 31 and radius. Dimensions shall be in feet or meters, and decimals thereof to the nearest one-hundredth
- 32 (0.01) of a foot, or five-thousandths (0.005) of a meter; except that angles shall be in degrees to the
- 33 nearest second.
- 34

35 **22.04.350 Monumentation**

- 36
- 37 (a) All monuments set in subdivisions shall be steel reinforcing bar with durable cap imprinted with the
- 38 license number of the land surveyor setting the monument. Reinforcing bar shall be at least five-
- 39 eighths (5/8) inch in diameter by thirty (30) inches long. Monuments shall be driven into the ground.
- 40 Permanent control monuments shall be encased in six (6) inches of concrete.
- 41
- 42 (b) Monuments in streets shall meet the standards of the County Engineer. In the event a final plat is
- 43 approved before roads are graded, the surety deposited to secure grading shall be sufficient to pay the
- 44 costs estimated by the County Engineer of setting such monuments and repairing the roadway.
- 45 Monuments shall be installed with monument cases in roads surfaced with asphalt concrete pavement
- 46 (paved) or bituminous surfacing (oiled); monument cases may be omitted in unsurfaced or graveled
- 47 roads.
- 48
- 49 (c) Permanent control monuments shall be set at:
- 50 (1) All controlling corners on the boundaries of the subdivision;

- (2) Intersections of center lines of roads within the subdivision;
 - (3) Points of intersection of curves if placement falls within the paved area; otherwise, monuments shall be placed at the beginning and ends of curves; and
 - (4) Block corners.
- (d) Offsets on lot corners may be used where physical obstructions prevent actual corner location, and where approved by the County Engineer.
- (e) All lot corners, and beginnings and endings of curves shall be set with monuments. In cases where street curbs are concentric and/or parallel with front right-of-way lines, front property line monumentation may be provided by brass screws or concrete nails set at the intersections of curb lines and the projections of side property lines. If curb monumentation is used, it shall be noted on the plat, and also noted that such monumentation is valid for projection of line only and not for distance.

22.04.360 Road Standards

- (a) Roads shall conform with the Grant County Comprehensive Plan, GCC § 24.12, GCC § 23.12.100, and shall provide for the following:
- (1) Roads shall comply with adopted County Road Standards.
 - (2) Subdivisions shall be served by one or more public and/or private roads providing ingress and egress to and from the subdivision;
 - (3) Roads shall be dedicated to the County in accordance with GCC § 22.04.390;
 - (4) Dedicated roads shall intersect a county or state road at a minimum of one point;
 - (5) Road continuity of major streets and arterials that serve property contiguous to the subdivision;
 - (6) Road continuity to boundaries of tract;
 - (7) Direct lot access onto County-designated arterials may be restricted;
 - (8) Adequacy of access: Each lot within a subdivision shall have approved access to a street conforming to adopted County Road Standards To assure safe and adequate access, the Administrative Official:
 - (A) May limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways;
 - (B) Shall require off-site improvements to public streets needed to provide access from the subdivision to a road acceptable to the County Engineer; and
 - (C) Shall assure that the number of lots to be served by the road system complies with the County Road Standards;
 - (9) Safe walking conditions for schoolchildren: In cases where a school is located within a quarter mile of a land division, where it is likely that children will walk to school, safe walkways between the subdivision and the school may be required; and
 - (10) If access is proposed off of a state highway, a state access permit shall be obtained by the applicant. Such permit shall be submitted with the preliminary subdivision application.
- (b) Road names shall be approved by the Grant County Emergency Services Department and shall be established using the addressing and grid system delineated in GCC § 10.36 (Ordinance No. 85-143-CC).
- (c) The subdivider bears the responsibility for road improvements necessary to meet the County Road Standards. Any plat approved with private roads shall include the following statement on the face of the plat: "The County shall not be responsible for maintenance of private roads, including snow removal, nor shall such roads be accepted as County roads until such improvements as are necessary are made to bring them to current Grant County standards."

1
2 **22.04.370 Grading and Drainage Standards**
3

- 4 (a) Clearing and grading activities for subdivisions shall be conducted so as to minimize potential
5 adverse effects on offsite property, surface water quality, and critical areas as delineated in GCC §
6 24.08. Clearing and grading, including drainage and erosion control measures, shall conform to the
7 requirements of GCC § 23.12.080.
8
9 (b) Stormwater runoff from subdivisions shall not adversely affect offsite property or critical areas as
10 delineated in GCC § 24.08. Provisions shall be made to control the release of surface water runoff from
11 the subdivision both during and following construction. Storm drainage standards shall be as
12 delineated in GCC § 23.12.080. If required by the County Engineer, the subdivider shall prepare and
13 submit for review as part of the preliminary subdivision application a drainage report, that meets the
14 general requirements of GCC § 23.12.080.
15
16 (c) Public roads, curbs, gutters, and storm sewer shall be constructed and/or installed to County and/or
17 APWA standards.
18

19 **22.04.380 Health and Safety Standards**
20

- 21 (a) Subdivisions shall comply with the requirements of the GCC § 13.32 regarding water availability.
22
23 (b) On-site sewage disposal in subdivisions shall comply with the requirements of the Rules and
24 Regulations of the Grant County Board of Health Regarding On-site Sewage Disposal.
25
26 (c) Water sources and facilities adequate for fire protection purposes shall be provided in all
27 subdivisions. Fire protection requirements shall be as delineated in GCC § 14.04. Fire flow shall be
28 determined in accordance with a nationally recognized standard such as the National Fire Protection
29 Association (NFPA) or the Uniform Fire Code.
30

31 **22.04.390 Dedications and Reserved Lands**
32

- 33 (a) No subdivision shall be approved unless adequate provision is made in the subdivision for such
34 drainage ways, roads, alleys, easements, parks, playgrounds, sites for schools, school grounds,
35 irrigation facilities where applicable and other general purposes as may be required to protect the
36 public health, safety, and welfare.
37
38 (b) Public Street Rights-of-Way: Dedication or deeding to the County of right-of-way or a portion thereof
39 for public streets shall be required within or along the boundaries of all subdivisions or of any lot(s)
40 within them where facts support that such dedication is reasonably necessary as a result of the impact
41 created by the proposed development and where one or more of the following circumstances are met:
42 (1) The Transportation Element of the Grant County Comprehensive Plan indicates the necessity of
43 a new or additional right-of-way or portion thereof for street purposes;
44 (2) The dedication is necessary to extend or to complete the existing or future neighborhood street
45 pattern to provide a public transportation system that supports future development of abutting
46 property consistent with the Grant County Comprehensive Plan or GCC Chapter 23.04; or
47 (3) Where necessary to provide additions of right-of-way to existing County right-of-way to meet
48 County Road Standards.
49
50

- (c) Road easements and rights-of-way shall not be considered in determining lot size and/or calculating density under GCC § 23.04.
- (d) The following dedications shall be provided on all plats:
- (1) A statement granting to the lot owners a non-exclusive easement for purposes of ingress and egress over and across the areas designated on the plat as private road rights-of-way, providing a right of entry for the installation and maintenance of utilities within the easement and providing for the right to cut and fill on and drain surface runoff over lots within the subdivision;
 - (2) A statement declaring the existence of an easement for utilities to all lots in the subdivision; the statement shall provide for the relocation of any easement at the request of the lot owner and with the concurrence of the affected utilities;
 - (3) A statement declaring that all road rights-of-way (except those dedicated to the public) and all easements are privately owned; that the County is not responsible for the construction and maintenance of any roads or easements within the subdivision; and that all persons acquiring property in the subdivision agree to hold the County harmless for all costs of construction and/or maintenance of all roads or easements within the subdivision;
 - (4) Where protective improvements are required or proposed, they and an easement necessary to maintain said improvements, shall be dedicated;
 - (5) Where additional public right-of-way is required, a statement dedicating the additional right-of-way to the public, including the right to cut and fill on and drain surface runoff, along natural drainage ways, over lots adjacent to the County road; and
 - (6) Where common areas are proposed, they shall be dedicated to all lot owners within the subdivision.
- (e) Open Space Corridors: Open space easements shall be provided by any subdivision when such divisions are located within any community or regional open space corridor identified by the Grant County Comprehensive Plan or Grant County Open Space Plan. The residents or lot owners of the subdivision shall be provided access to the open space easement. The area of the open space easement shall be counted as part of the site for purposes of density calculations.
- (f) In no case shall the County accept a dedication or any obligation as to any public road, street, and/or alley until the same and all public roads, streets, and/or alleys connecting the same have been brought to full, current County Road Standards and a right-of-way deed has been transferred to and accepted by the County.
- (g) All dedications shall be clearly and precisely indicated on the face of the plat.
- (h) Easements and rights-of-way shall conform to the requirements delineated in GCC § 23.12.100.

Article V. Final Subdivisions and Short Subdivisions

22.04.400 Purpose

- (a) The purpose of this Section is to specify provisions that must be satisfied prior to the final approval and recording of final subdivision maps, for those preliminarily approved long and short subdivisions. Issuance of building permits or sale or lease of lots within a subdivision is not permitted until the final subdivision is recorded.

22.04.410 Final Subdivisions Requirements

- 1
2 (a) When an applicant believes that he or she has complied with all of the requirements of preliminary
3 subdivision approval, the applicant shall submit to the Administrative Official a letter delineating how
4 all of the preliminary subdivision requirements have been met.
5
6 (b) The applicant shall submit to the Administrative Official the following:
7 (1) Subdivision name or number;
8 (2) Name, mailing address and telephone number of owner and surveyor of the subdivision;
9 (3) Date;
10 (4) Acreage of each lot created and total acreage of the subdivision;
11 (5) Number of total lots and number of buildable lots;
12 (6) Appropriate references to the Grant County GMA Comprehensive Plan land use designations;
13 (7) Final Plat: Original and four (4) copies of final plat map meeting the requirements of GCC §
14 22.04.420;
15 (8) A plat certificate conforming to the requirements of RCW § 58.17.165 which shall include any
16 dedications;
17 (9) A certificate of title and report showing true ownership of platted property from a Title company
18 licensed to do business in the State of Washington;
19 (10) Restrictions, notes, covenants and/or binding agreements as required by this Chapter, SEPA,
20 conditions of preliminary subdivision approval, or other regulations;
21 (11) A Grant County Treasurer's certificate indicating that all taxes and delinquent assessments for
22 which the property(ies) within the subdivision may be liable have been duly paid, satisfied or
23 discharged plus any advance tax that may be owing in accordance with RCW 58.08.040;
24 (12) If required by the Administrative Official, certification from a licensed engineer in the State of
25 Washington of the appropriateness of all culvert sizes, bridge designs, structures, and/or other
26 improvements;
27 (13) An affidavit or declaration bearing the typed or printed names of all persons having a legal or
28 equitable interest in the subdivided land, signed by the said persons and acknowledged by them
29 before a Notary Public, consenting to the subdivision of said land and reciting a dedication by
30 them of all land shown on the plat to be dedicated for public uses and a waiver by them and their
31 successors of all claims for damages against any governmental authority arising from the
32 construction and maintenance of public facilities and public property within the subdivision;
33
34 (c) If the Administrative Official placed conditions on preliminary subdivision approval, any
35 improvement plans that respond to the required conditions shall be submitted to the Administrative
36 Official. Improvements shall be designed by or under the direct supervision of a licensed engineer in
37 the State of Washington. The licensed engineer shall certify the appropriateness of the improvement
38 plans. All improvement plans shall comply with all other regulations and shall contain the following:
39 (1) Subdivision name;
40 (2) Name, mailing address, and telephone number of the engineer preparing the plan; and
41 (3) Date.
42

43 **22.04.420 Final Plat Map Requirements**

44

- 45 (a) A registered land surveyor shall prepare preliminary Subdivision and Short Subdivision maps.
46 Drafting standards, including drawing scale and final plat media, shall be as specified in GCC §
47 22.04.340. Survey standards shall be as delineated in GCC § 22.04.330. Maps shall consist of one or
48 more sheets, provided that when more than one sheet is required, an index sheet of the same size shall
49 be filed showing the entire subdivision on one sheet with block and lot numbers. Each sheet shall
50

1 include the Subdivision name, scale and north arrow. Plats submitted with any information taped or
2 attached by staples or similar means will not be accepted for recording.

3
4 (b) Final Plat Map shall include the following:

- 5 (1) Subdivision name;
- 6 (2) Legend;
- 7 (3) Location of subdivision;
- 8 (4) Full legal description of land contained within the subdivision;
- 9 (5) Scale, including graphic scale, north arrow, point of beginning and basis of bearings;
- 10 (6) The boundary lines, including bearings and distances, of the proposed subdivision and each lot
11 contained therein drawn to scale;
- 12 (7) The location, right-of-way width, centerline and name of all streets within and adjoining the
13 subdivision and showing right-of-way and centerline dimensions;
- 14 (8) Identification of areas to be dedicated;
- 15 (9) Vicinity map of the full section containing the subdivision and showing the boundary of the plat
16 in relation to the section;
- 17 (10) All section, township, range and county lines lying within or adjacent to the subdivision;
- 18 (11) The location of all monuments, markers and other evidence used to establish the subdivision
19 boundaries together with statement of datum relied upon;
- 20 (12) The location of all permanent control monuments found and established within the subdivision;
- 21 (13) The boundaries of the subdivision, including bearings and distances, and including a legend
22 denoting the source of all bearings used;
- 23 (14) The bearings, distances, curve data and other data necessary for the location of any block or lot
24 line;
- 25 (15) All blocks and lots within the proposed subdivision, together with the numbers assigned each lot
26 and block, and the dimensions, square footage and acreage of all proposed lots and tracts;
- 27 (16) The location, width, and description of existing and proposed:
 - 28 (A) Public and private roads and access thereto;
 - 29 (B) Special setbacks;
 - 30 (C) Private and public easements;
 - 31 (D) Utility easements;
 - 32 (E) Other rights-of-way; and
 - 33 (F) Walkways;
- 34 (17) Names of any adjacent subdivisions;
- 35 (18) A designation of any lot that never can contain a dwelling or building unit or that is otherwise
36 undevelopable;
- 37 (19) A certificate, seal, date and signature of the registered land surveyor who made, or under whose
38 supervision was made, the survey of the subdivision, in substantially the following language:

39 "I, _____, registered as a
40 land surveyor by the State of Washington, certify that this plat is based on an
41 actual survey of the land described herein, conducted by me or under my
42 supervision, during the period of _____, 20____, through
43 _____, 20____; that the distances, bearings and angles are shown
44 thereon correctly, and that monuments other than those monuments approved
45 for setting at a later date, have been set and lot corners staked on the ground as
46 depicted on the plat."
- 47 (20) A plat certificate conforming to the requirements of RCW 58.17.165;
- 48 (21) Signature blocks for the following entities:
 - 49 (A) County Engineer;
 - 50 (B) County Auditor;

- (C) County Assessor;
(D) County Treasurer;
(E) County Planning Director;
(F) County Fire Marshall/Building Official;
(G) County Sanitarian; and
(H) Administrative Official;
(I) U.S. Department of the Interior, Bureau of Reclamation and Irrigation District when subdivision is located within the boundaries of the Columbia Basin Irrigation Project;
(J) Clerk of the Board of County Commissioners; and
(K) Chairperson, Grant County Board of Commissioners;
The signature blocks for each of the signatories shall be in a form and contain language specified by the signatory.

(22) All requirements listed in Chapter 58.09 RCW and Chapter 332-130 WAC;

(23) A listing of any other conditions delineated in the preliminary subdivision approval; and

- (c) A digital version of the plat map on electronic media in AutoCAD (.dwg) format. The digital data will be used by the County for mapping and Geographical Information System (GIS) purposes, and may be released to the public consistent with Grant County's public information access policy.
- (d) Additional Final Plat Map Requirements for Short Subdivisions: The following additional final plat map requirements shall apply to Short Subdivisions:
- (1) A disclaimer which states that:
- (A) "Land within this Short Subdivision shall not be further divided for a period of five (5) years from the date of approval unless a new subdivision is approved;"
- (B) "The approval of this Short Subdivision does not guarantee the issuance of any other permit;" and
- (C) "Grant County has no responsibility to construct, improve, maintain, or otherwise service any private roads contained within this Short Subdivision."
- (2) A declaration of covenant for all final Short Subdivisions with private rights-of-way, roads, or easements that requires construction and maintenance of private roads, with a provision to dedicate the rights-of-way and roads to Grant County when required by local regulations.

22.04.430 Review Process

- (a) Classification: Final subdivisions shall be classified as specified in GCC § 25.04.080 and defined in GCC § 25.04.070.
- (b) Review Procedures: When the Administrative Official determines that a final subdivision complies with all preliminary subdivision conditions and all applicable regulations, the final subdivision shall be processed under procedures specified in GCC § 25.04 Article VII.
- (c) Notice of Application: Notice of application shall be made pursuant to GCC § 25.04 Article VI.

22.04.440 Final Plat Approval

- (a) Approval Criteria: Prior to approval of the final subdivision, the Administrative Official shall determine if:
- (1) The final subdivision complies with the conditions in the preliminary subdivision approval;
- (2) The final subdivision complies with the requirements of this Chapter;
- (3) The final subdivision serves the public use and interest;

- 1 (4) The final subdivision complies with the design and development standards delineated in GCC §
2 22.04 Article IV;
- 3 (5) The final subdivision meets all standards established by state law and local ordinance and
4 regulation, including but not limited to, the Grant County Comprehensive Plan, the Grant
5 County Shoreline Master Program, and GCC Titles 23, 24 and 25;
- 6 (6) The final subdivision bears the certificates and statements of approval required by this
7 ordinance;
- 8 (7) A title insurance statement furnished by the applicant confirms the title of the land in the proposed
9 final subdivision is vested in the name of the owners whose signatures appear on the plat's
10 certificate; and
- 11 (8) The facilities and improvements required to be provided by the applicant have been completed or,
12 alternatively, that the applicant has provided a Performance Bond or other acceptable security
13 acceptable to the Prosecuting Attorney and in an amount and with sureties commensurate with
14 improvements remaining to be completed, securing to the county the construction and installation
15 of the improvements within a fixed time, not to exceed two (2) years.
- 16 (b) Short Subdivisions: If the Administrative Official determines that the Short Subdivision meets the
17 final plat approval criteria, the Administrative Official shall sign the final plat. If the final plat
18 contains a dedication, the Grant County Board of Commissioners must approve of the dedication
19 before the final plat may be filed. If the Administrative Official determines that the subdivision does
20 not meet the final plat approval criteria, the Administrative Official, within fourteen (14) days, shall
21 return the plat to the applicant with a list of deficiencies.
22
- 23 (c) Subdivisions: If the Administrative Official determines that the final plat is complete and meets the
24 final plat approval criteria, the Administrative Official shall sign and forward the final plat, together
25 with accompanying documentation and recommendations, to the Grant County Board of
26 Commissioners. If the Administrative Official determines that the subdivision does not meet the final
27 plat approval criteria, the Administrative Official, within fourteen (14) days, shall return the plat to
28 the applicant with a list of deficiencies. The Board of County Commissioners shall approve the final
29 plat if the record contains clear and convincing evidence that the application complies with the
30 approval criteria listed in GCC § 22.04.440(a) and serves the public use and interest.
31
- 32 (d) Upon approval of a Short Subdivision or Subdivision, the final plat shall be submitted to the Grant
33 County Auditor for filing in accordance with GCC § 22.04.460.
34

35 **22.04.450 Completion of Required Public Improvements**
36

- 37 (a) In lieu of completing all of the required public improvements prior to the approval of a final plat, the
38 applicant may petition to have specific requirements delayed. If such a request is made, the
39 Administrative Official shall require a performance bond or refundable cash payment to ensure that
40 the necessary actions are completed in a timely fashion. The amount of the bond or cash payment
41 shall not exceed one hundred fifty percent (150%) of the estimated cost of the uncompleted actions as
42 determined by the Administrative Official. If the applicant completes the required public
43 improvements in a timely fashion, the cash payment shall be refunded to the applicant or the bond
44 cancelled. Otherwise, Grant County shall be entitled to complete the required public improvements
45 itself (or under separate outside contract) and to keep whatever portion of the cash payment is
46 necessary to design, administer, and construct the outstanding improvements or seek foreclosure on
47 the bond.
48
- 49 (b) Construction of required public improvements shall not begin until the Administrative Official has
50 approved the construction plans and the final plat survey computations.

1
2 **22.04.460 Filing of the Final Plat**
3

- 4 (a) The act of approving a subdivision shall become effective when the final plat and supporting
5 documents are filed with the Grant County Auditor by the Administrative Official. All final plats
6 shall be recorded in the County Auditor's Office only after approval by the Decision Maker as
7 defined in GCC § 25.04.080. The Administrative Official shall be responsible for recording of the
8 final plat within 30 days of approval.
9
10 (b) No final plat shall be accepted for recording by the Grant County Auditor that does not bear the
11 Administrative Official's signature or certificate of approval.
12
13 (c) No final plat shall be accepted for filing unless all required fees and property taxes have been paid in
14 full.
15
16 (d) After the final plat map has been filed for record with the County Auditor, it shall become the
17 property of Grant County.
18
19 (e) Prior to signature and final approval of a subdivision, the Administrative Official shall return the
20 original plat tracing to the engineer or land surveyor of record, and no other party, for necessary
21 corrections.
22

23 **22.04.480 Alterations of Final Subdivisions**
24

- 25 (a) An application to alter any subdivision or portion thereof shall be processed according to the
26 requirements of RCW 58.17.060, RCW 58.17.215 and RCW 58.17.218.
27
28 (b) Any final decision of the Board regarding a subdivision alteration may be appealed to Superior Court
29 according to the requirements of RCW 36.32.330.
30
31

32 **22.04.490 Vacations of a Final Subdivision**
33

- 34 (a) An application to vacate any subdivision or portion thereof shall be processed according to the
35 requirements of RCW 58.17.060 and RCW 58.17.212.
36
37 (b) Any final decision of the Decision Maker regarding a subdivision vacation may be appealed to
38 Superior Court according to the requirements of RCW 36.32.330.
39

40 **Article VII. Binding Site Plans**
41

42 **22.04.500 Purpose**
43

- 44 (a) The purpose of this Section is to provide an alternative administrative method for division of land for
45 commercial and industrial zoned property, mobile/manufactured home parks, or condominiums, in
46 accordance with the requirements of RCW 58.17.035 and this Chapter.
47

48 **22.04.510 General Provisions**
49
50

- (a) Any person seeking the use of a binding site plan to divide his or her property for the purpose of sale, lease or transfer of ownership of commercially or industrially zoned property, for the purpose of lease of lots that contain no residential structure other than mobile/manufactured homes or travel trailers, or creation of condominium units, is required to apply for, complete and have approved a binding site plan, as provided in RCW 58.17 and as required by this Chapter.
- (b) The site that is subject to the binding site plan shall consist of one or more contiguous legal lots of record.

22.04.520 Pre-Application Review Conference

- (a) Prior to submitting a binding site plan application, the applicant shall be subject to a pre-application review conference as specified in GCC § 25.04.130, unless waived by the Administrative Official with the concurrence of the applicant.

22.04.530 Application Requirements

- (a) An applicant shall submit ten (10) copies of all application materials, which at a minimum shall include the following:
- (1) Those documents and accompanying data specified in GCC § 25.04.140, including:
 - (A) Completed application form signed by the owner(s) of the property;
 - (B) A statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant or that the applicant has submitted the application with the consent of all owners of the affected property;
 - (C) Identification of a single contact person or entity to receive determinations and notices required by this chapter;
 - (D) A property and/or legal description of the site;
 - (E) A list of the names and addresses of all persons owning real property located within three hundred (300) feet from and parallel to the boundaries of the proposed activities and such contiguous area under the legal control of the applicant;
 - (F) Evidence of adequate water supply as required by RCW § 19.27.097; and/or regulations established by the Grant County Health District;
 - (G) Evidence of sewer availability; or evidence of on-site sewage disposal approval by the Grant County Health District, or jurisdictional agency including but not limited to the Washington State Department of Health or Washington State Department of Ecology;
 - (H) Any SEPA documents, as applicable; and
 - (I) The applicable fee(s);
 - (2) The Comprehensive Plan future land use designation(s) that apply to the site and abutting properties;
 - (3) A site plan in a form prescribed by the Administrative Official. At a minimum, the site plan shall include:
 - (A) Date;
 - (B) Graphic and numeric scale;
 - (C) A vicinity map;
 - (D) North arrow;
 - (E) Total acreage;
 - (F) The location and size of all proposed lots;
 - (G) Proposed and existing structures including building envelopes and building setback lines;
 - (H) All proposed or existing uses;

- (I) The location of proposed or existing open space including any required landscaped areas;
- (J) The location and identification of critical areas;
- (K) The layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles and roadway widths, and additional right-of-way if required on substandard roads;
- (L) Proposed road names;
- (M) Designated floodways and floodplains;
- (N) The number and location of proposed or existing parking spaces on and off the site;
- (O) The location and size of utility trunk lines serving the site;
- (P) The location and size of water bodies and drainage features, both natural and man made;
- (Q) A layout of sewers; and
- (R) Existing and proposed easements and existing access;
- (4) A digital version of the plat map on electronic media in AutoCAD (.dwg) format. The digital data will be used by the County for mapping and Geographical Information System (GIS) purposes, and may be released to the public consistent with Grant County's public information access policy;
- (5) A survey prepared by a professional land surveyor, licensed in the State of Washington;
- (6) A drainage report, prepared and sealed by a registered professional engineer, unless otherwise exempted under GCC § 23.12.080;
- (7) A completed environmental checklist, if required by GCC § 24.04 and WAC 197-11;
- (8) All existing or proposed covenants, easements, maintenance agreements or other documents applicable to use or maintenance of the site;
- (9) For new construction, a grading plan showing proposed clearing and the existing and proposed topography, detailed to 5-foot contours, unless smaller contour intervals are otherwise required by the Grant County Code or rules and regulations promulgated thereunder;
- (10) A phasing plan, acreage of phases, and time schedule, if the site is intended to be developed in phases;
- (11) Copy of any restrictive covenants;
- (12) Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation; and
- (13) A list of any other permit applications having been filed for the same site.
- (b) The Administrative Official may waive specific submittal requirements determined to be unnecessary for review of the application.

22.04.540 Application Review

- (a) Classification of Application: Applications for binding site plans shall be classified as specified in GCC § 25.04.080 and defined in GCC § 25.04.070.
- (b) Review Procedures: When the Administrative Official determines that an application for a binding site plan is technically complete, as defined in GCC § 25.04.160, the application shall be processed under procedures specified in GCC § 25.04 Article VII.
- (c) Referral and Review of Application: Pursuant to GCC § 25.04.200, the Administrative Official shall transmit a copy of the application, or appropriate parts of the application, to affected agencies and county departments for review and comment.

- (d) Notice of Application and Hearings: Notice of application and hearings shall be made pursuant to GCC § 25.04 Article VI and VIII, respectively.

22.04.550 Approval Criteria

- (a) Pursuant to GCC § 25.04.200, the Administrative Official shall solicit input from and confer with relevant local officials regarding whether the proposed binding site plan:
- (1) Meets the applicable requirements of this Chapter;
 - (2) Complies with the Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA;
 - (3) Complies with health requirements for sewage disposal and potable water supply;
 - (4) Contains an accurate legal description of the lots being created, and the roads and easements therein;
 - (5) Complies with Grant County and, if appropriate, State Department of Transportation regulations pertaining to roads, utilities, drainage, access for emergency vehicles, and other infrastructure improvements;
 - (6) Complies with relevant city regulations pertaining to roads, utilities, fire protection, drainage, access for emergency vehicles, and other infrastructure improvements for subdivisions within an urban growth area;
 - (7) Complies with requirements of the U.S. Department of the Interior, Department of Reclamation and/or a recognized Irrigation District when the proposed binding site plan is within the boundaries of an Irrigation District; and
 - (8) Functions as a single site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.
- (b) The Decision Maker, as delineated in GCC § 25.04, shall approve a binding site plan if the record contains clear and convincing evidence that the application complies with the approval criteria listed in GCC § 22.04.550(a) (or that the application can comply with these criteria through the imposition of special conditions of approval) and serves the public use and interest. If necessary, the Administrative Official may impose special conditions of approval to ensure that the criteria listed in GCC § 22.04.550(a) are met.
- (c) If a previously approved site plan is submitted for binding site plan approval, the conditions and limitations imposed by the Administrative Official may, where appropriate, include any conditions and limitations contained in the previously approved site plan. Subsequent development permits for the land will still be subject to compliance with the zoning, building, and other applicable land use codes and regulations existing at the time of submittal of the binding site plan review and expressly depicted on the binding site plan.
- (d) When a binding site plan is being considered concurrently with another land development application, the Administrative Official will incorporate all conditions and limitations imposed on the concurrent application into the binding site plan. Subsequent site development permits for the land will still be subject to compliance with the zoning, building, and other applicable land use codes and regulations existing at the time of vesting of the application, unless addressed as part of the binding site plan review and expressly depicted on the binding site plan.
- (e) The binding site plan shall contain applicable inscriptions or attachments setting forth limitations and conditions to which the plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site shall be in conformity with the approved site plan.

- 1
2 (f) Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking,
3 access and other improvements shall be identified on the binding site plan and enforced by covenants,
4 easements or other similar mechanisms.
5

6 **22.04.560 Recording and Binding Effect**
7

- 8 (a) After approval of a binding site plan for land, all or a portion of which will be subjected to the
9 provisions of Chapter 64.32 or 64.34 RCW, the applicant shall record the approved binding site plan
10 with a record of survey as one recording document complying with the requirements of this Section
11 labeled as "Binding Site Plan." Before recording, the applicant shall complete the required
12 improvements. In lieu of completion, all improvements may be bonded.
13
14 (b) Prior to recording, the approved binding site plan shall be surveyed and the final recording forms
15 shall be prepared by a professional land surveyor, licensed in the state of Washington. Surveys shall
16 include those items prescribed by RCW § 58.09.060, records of survey, contents - record of corner,
17 information.
18 (c) The approved binding site plan record of survey recording forms shall include the following, in the
19 format prescribed by the Administrative Official:
20 (1) Lots designated by number on the binding site plan within the area of the lot. Tracts shall be
21 similarly designated and each tract shall be clearly identified with the ownership and purpose;
22 (2) Signature and stamp of the land surveyor who prepared the binding site plan;
23 (3) Reference to the recording number of the completed survey as required by this Section if the
24 boundaries have been previously surveyed;
25 (4) Reference to all agreements or covenants required as a condition of approval;
26 (5) Notarized signatures of all persons having an ownership or security interest in the land being
27 divided;
28 (6) Approval of the County Engineer;
29 (7) Approval of the County Treasurer;
30 (8) Approval of the Administrative Official; and
31 (9) Approval of the Health Official.
32
33 (d) The Administrative Official shall examine and sign the approved binding site plan and record of
34 survey if it conforms with the commercial site development permit or the approved site plan and all
35 conditions of approval. Binding site plans with the record of survey shall be recorded with the Grant
36 County Auditor's Office. A copy of the documents stamped with the recording number shall be sent
37 to the Grant County Assessor's office, Treasurer's office, Public Works and to the applicant.
38
39 (e) Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. All
40 provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the
41 purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract
42 created pursuant to the binding site plan.
43
44 (f) Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that
45 does not conform to the requirements of the binding site plan or without binding site plan approval,
46 shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and
47 be illegal as provided in Chapter 58.17 RCW.
48

49 **22.04.570 Site Improvements Required Prior to Approval of Building Permit:**
50

- 1 (a) All public and private site improvements required by the approved binding site plan must be
2 completed and accepted by the County or subjected to a performance security approved by the
3 Administrative Official prior to issuing the first building permit for the site. Alternatively, the
4 Administrative Official may condition the completion of such improvements pursuant to an approved
5 phasing plan.
6

7 **22.04.580 Alterations of Approved Binding Site Plans**

8

- 9 (a) Applications to alter binding site plans that have received approval shall comply with the following:
- 10 (1) Revisions that result in any substantial changes as determined by the Administrative Official,
11 shall be treated as a new application for purposes of vesting and shall be reviewed under the
12 same process required for the original binding site plan, pursuant to GCC § 25.04. All other
13 alterations shall be processed as a Type II permit application in accordance with GCC § 25.04.
14 For the purpose of this Section, substantial change includes:
- 15 (A) The creation of additional lots;
16 (B) Significant changes in access points; or
17 (C) Change in the proposal that leads to built or natural environmental impacts that were not
18 addressed in the original approval;
- 19 (2) The proposed alteration must be clearly shown on a new site plan and be accompanied by a letter
20 of explanation; and
- 21 (3) Conditions of approval beyond those originally applied to the project may be applied to the
22 altered binding site plan. If an alteration to a previously recorded binding site plan or record of
23 survey is approved, the applicant must record the revised binding site plan or record of survey.
24

25 **22.04.590 Vacations of Recorded Binding Site Plans**

26

- 27 (a) Vacation of a binding site plan shall be accomplished by following the same procedure and satisfying
28 the same laws, rules and conditions as required for a new binding site plan application, as set forth in
29 this Chapter. A binding site plan shall be vacated as a whole only.
30
- 31 (b) If a building permit or commercial site development permit which accompanies a binding site plan
32 expires without construction, then the binding site plan shall be considered vacated.
33

34 **22.04.600 Condominiums**

35

- 36 (a) Purpose: The purpose of this Section is to provide for review of a condominium proposal for
37 conformance with zoning density requirements and street addressing, and for the precision and
38 accuracy of the exterior boundary and legal description of the subject property, as shown on the final
39 map.
40
- 41 (b) Final Submittal Requirements: Condominiums shall be consistent with recorded binding site plans.
42 The following shall be submitted for approval of a condominium proposal:
- 43 (1) Two sets of prints of the final recording maps prepared in accordance with RCW § 64.34.232;
44 (2) Legal Description from title report dated within 30 days prior to recording;
45 (3) Boundary closure calculations and supporting surveys; and
46 (4) Notes. The following notes shall be placed on the final condominium map page:
- 47 (A) Approval of the Department
- 48 "This condominium meets the density standards of GCC § 23.04.
- 49 1. The exterior boundary and legal description of this condominium meets
50 or exceeds the review standards of the Department.

- 1 2. The Department review does not constitute binding site plan approval as
2 contemplated under RCW § 58.17.040(7).”
3 (B) A signature line for the Administrative Official shall appear following the notes required by
4 this Section.

5
6 **Article VIII. Not Used**

7
8 **Article IX. Dedications and Reserved Lands**

9
10 **22.04.900 Conveyance to Private Corporation in Lieu of Dedication**

- 11
12 (a) If the Board of County Commissioners concludes that the public interest will be served thereby, the
13 Board may, in lieu of requiring the dedication of land to the public in a subdivision for protective
14 improvements, drainage ways, roads, alleys, sidewalks, parks, playgrounds, recreational, community
15 or other general purposes, allow the said land to be conveyed to a home owner's association or similar
16 nonprofit corporation. Subdivider who wishes to make such a conveyance shall, at or prior to the time
17 of filing a final plat for approval, supply the Board with copies of the grantee's Articles of Incorporation
18 and Bylaws, and with evidence of the conveyance or a binding commitment to convey. The Articles of
19 Incorporation shall provide that membership in the organization shall be appurtenant to ownership of
20 land in the subdivision; that the corporation is empowered to assess the said land for cost of construction
21 and maintenance of the improvements and property owned by the corporation, and that such
22 assessments shall be a lien upon the land. The Board may impose such other conditions as it deems
23 appropriate to assure that property and improvements owned by the corporation will be adequately
24 constructed and maintained.